Supreme Court, U.S.
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No.

In the
Supreme Court of the United States

DAVID A. WHITE, *Petitioner*,

v.

THE REGENTS OF THE UNIVERSITY OF CALIFORNIA, ET AL., *Respondents*

ON PETITION FOR WRIT OF CERTIORARI
TO THE NINTH CIRCUIT COURT OF APPEALS

PETITION FOR WRIT OF CERTIORARI

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38 pp

Questions Presented for Review

1. Whether the court of appeal erred in affirming the district court's dismissal of petitioner's action at the pleadings stage on the unstated (secret) ground that the action is barred because its pursuit would reveal state secrets where the plaintiff was unaware of any relation to state secrets.[1]
2. To what extent can the state secrets privilege be used to deny disclosure of classified information relating to this action such as the technology used against plaintiff, directly or indirectly, such as mind reading/control technology, artificial intelligence, and time machines.
3. Whether the court of appeal (clearly) erred in affirming the dismissal of petitioner's action for failure to state a cause of action where the pro se plaintiff alleged, inter alia, that his Ph.D. advisor sabotaged his admission to the best graduate schools to secure petitioner as a student, university employees faked the death of a fellow student to cover it up, and petitioner was later involuntarily committed to a psychiatric hospital for six days, without any cause, by state university police officers, a psychiatrist, and a psychiatric hospital in furtherance of a conspiracy to deter his attempts to pursue an *invasion of privacy* lawsuit.

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[1] Petitioner's pro se claims for, inter alia, fraud and constitutional violations were dismissed at the pleadings stage by the district court, mostly on clearly erroneous legal grounds. The court of appeal affirmed primarily on the supposed ground of insufficient particularity. Shortly thereafter, plaintiff became aware that the alleged claims were actually the result of petitioner being an unwitting test subject for classified cybernetic technology (although his experiments seem to only be disinformation to hide the bigger secret that everyone had implants), so any discovery would require disclosure of state secrets. Because of this and references in the District Court's orders, petitioner assumes the case was secretly dismissed to protect state secrets.

List of Parties

The petitioner is David A. White, the pro se plaintiff and appellant in the action below.

Most respondents are employees or administrators of respondent the Regents of the University of California ("Regents") and are, or were, associated with University of California, San Diego ("UCSD"), a campus managed by the Regents where petitioner was a Ph.D. student. Those respondents are Ramesh Jain, a faculty member who was petitioner's Ph.D. advisor; Richard Atkinson, prior UCSD Chancellor and current President of the University of California; Robert Dynes, current UCSD Chancellor; Richard Attiyeh, an academic dean; Stephanie M. Martinez, a police officer; Tommy L. Morris, a police officer; Christine Urbina, a residential apartment administrator; Te C. Hu, a faculty member; S. Gill Williamson, a faculty member and previous chair of petitioner's department; and Robert L. Jones, a police officer.

The other non-university-affiliated respondents are John L. Otis, M.D., a psychiatrist; Vista Hill Foundation, a mental health facility; and Mariana H. White, petitioner's mother.

The last respondent is the United States since petitioner believes that the Central Intelligence Agency (CIA)[2], Air

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[2] Petitioner believes he was *unwittingly* used in a highly classified CIA disinformation campaign regarding "mind control" (e.g. MKULTRA). While the mind control experiments themselves were unclassified, the fact that *the whole thing was almost purely a disinformation campaign* would have to be highly classified. Petitioner was, in fact, an unwitting human experimental subject for brain implants (i.e. mind-control) and was trapped in a life-long cover-up of these experiments, and was unaware of it until recently. However, petitioner believes these experiments were really unnecessary for any real research and were a mere cover story to spread the lie that *only petitioner* had brain implants, when actually *everyone already* had them. Furthermore, petitioner believes his father was probably a CIA operative since he was an Ex-Army Captain working in International Business with a son involved in classified experiments. Finally, petitioner believes his

Force,[3] or Department of Defense (DOD) secretly intervened in the action below at the District Court and Appellate Court level and demanded dismissal before discovery on the ground that the subject of the lawsuit was a "state secret" that was privileged under the state secret doctrine and that *even the fact that the state secrets privilege was invoked was a state secret.* See *Kasza v. Browner*, 133 F.3d 1159 (9th Cir. 1998), citing *Bareford v. General Dynamics Corp.*, 973 F.2d 1138 (5th Cir. 1992).

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father's job was to appear to be a spy who had a son who was being used for secret experiments on brain implants and mind control. In reality, the whole situation was probably disinformation, since the experiment did not appear to have been necessary and human spies were not really necessary because of the existence of mass mind-reading capability.

[3] Petitioner believes the state secrets in this case relate, at least, to brain implant technology which allows mind-reading, sensory monitoring, and mind-control of human beings, since petitioner has been an apparent test subject for such technology since birth. Since there is wireless communication throughout the world between the brain implants and Artificial Intelligence (AI) computer system processing the data from the implants, this technology would probably fall within the jurisdiction of the Air Force. Furthermore, the Air Force has published unclassified reports predicting that microscopic brain implants will be used by all its officers by the year 2025. (Petitioner suspects that the government actually had microscopic brain implant technology by 1966 because they could use time machines to obtain technology from the future.)

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I. Opinions and Orders Below

The memorandum decision (App. 1a-4a)[1] and order (App. 62a-63a) of the Ninth Circuit Court of Appeals are unreported. The orders of the District Court (App. 5a-23a, 24a-48a, 49a-57a, 58a-59a, and 60a-61a), including the oblique references to the state secrets (App. 22a, fn. 13) are also unreported.

II. Jurisdiction

Jurisdiction is conferred on this court by 28 U.S.C. § 1254(1) to review the judgment of the Ninth Circuit Court of Appeal entered on August 17, 1999 (App. 1a-4a). Plaintiff filed a petition for panel rehearing and rehearing en banc that was denied on December 9, 1999 (App. 62a-63a). This petition for a Writ of Certiorari is timely as deemed filed by March 8, 2000 (90 days later).

III. Statutory and Constitutional Provisions

The action below was based upon 42 U.S.C. § 1983 and the First, Fourth, and Fourteenth Amendments of the United States Constitution (not included herein). The state secrets privilege, of primary interest here, is based on common law rather than any constitutional or statutory provisions.

IV. Statement of the Case

A. Jurisdiction in District Court

Jurisdiction was conferred on the District Court by 28 U.S.C. § 1343(3) for 42 U.S.C. § 1983 claims for violations of constitutional rights, by 28 U.S.C. § 1331 and 42 U.S.C. § 2000d-7(a)(1) with respect to the Title IX (20 U.S.C. § 1681) claim for sex discrimination against defendant the Regents of the University of California ("Regents"), and 28 U.S.C. § 1367(a) with respect to related claims under state law for fraud, intentional infliction of emotional distress, and public disclosure of private facts.

B. State Secrets Causing Dismissal of Action

The district court, at the end of its final order dismissing the action (App 23a), provided some clues about the real

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[1] "App." is the separately bound appendix included with this petition.

reason for dismissal in its final footnote about state secrets at the end of the September 18, 1998 order since the footnote was obviously indirectly referring to the fact that petitioner had brain implants. First, the footnote cites *Neitzke v. Williams*, 490 U.S. 319 (1989), a Supreme Court case regarding a prisoner alleging eighth amendment violations for denying medical treatment for a diagnosed "brain tumor" which caused equilibrium problems (notably, a symptom caused by petitioner's brain implants). Then, the footnote refers to an article entitled "Bill Clinton Bugged my Brain!..." Finally, the court supposedly found the claims subject to dismissal as being "far-fetched" and "fanciful" although there was no mention to any secrets described here or anything really that would fit in such a category. This seems to refer to the then-non-existent claims of mind control since victims are often made to appear or treated as if mentally ill. Furthermore, a reading of the authorities cited shows that the facial legal arguments in the footnote are specious and could not reasonably be an unintentional "error."

In actuality, petitioner believes the state secrets involved in his case are much more important than simply the use of brain implants on petitioner for mind reading and mind control. In fact, the state secrets involved in this case effect everyone in the world and will likely initially be considered outlandish. However, in the past, most people did not initially believe Copernicus's proposition that the Earth rotated around the Sun, but this did not mean that Copernicus was wrong.

In petitioner's opinion, the primary problem with the technologies described hereafter is not their existence per se, but the fact that they are, and continue to be, shrouded in secrecy. It is simply preposterous to have no public scrutiny of or participation in the use of such powerful technologies for many decades in a supposedly democratic and free country in times when there has been no significant threat to national security. Furthermore, exposure of the technologies

is simply not enough. The public must demand an honest answer to the dark question of why this secrecy has continued so long.

1. Communication With The Past ("Time Machine")

The U.S. Government has created devices that allow electronic messages to be sent into the past. Petitioner estimates that these first generation time machines were invented by 1945 using principles of quantum physics in an ultra-secret project like the Manhattan project and probably intermingled with it at Los Alamos. Virtually all the top physicist of the time likely[2] knew such a machine was possible, but pretended not to see it because the technology could be so dangerous in the wrong hands. These first generation time machines would simply allow the user to send an electronic message[3] (like an "email") into the past.

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[2] Feynman (See App. 142a-150a) almost unmistakably hints that physicists of his day had "half-advanced and half-retarded potentials" since they were "retarded" with regard to issues surrounding time machines. They purposely had "retarded potentials" because time machine technology would have been extremely dangerous if it first fell into the wrong hands. Petitioner believes it must have been obvious to the great physicists that time machines could be built since petitioner, a non-physicist with some related mathematical knowledge from computer science, did not have much trouble hypothesizing the general functionality and inherent limitations of time machines (only roughly described here, but believed by petitioner to be essentially correct).

Of course, if the government could create time machines using quantum mechanics, it is reasonable to assume they (i.e. the NSA) have always had quantum-based computers that can easily break virtually all the standard cryptography (based on public key cryptography) used to ensure "privacy" and "security" on the Internet.

[3] "Electronic message" is purposely singular since each message would have to be sent atomically (i.e. all or nothing, no interactive "phone calls"). Furthermore, the bandwidth (or possibly memory capacity) of each time machine would probably be limited, but would likely increase exponentially in newer time machines. Note that the "electronic message" sent back through time could theoretically contain anything including descriptions of people or objects that could be

As soon as an "email" was sent from the present into the past, the events occurring after the time of receipt would instantaneously reflect the new information in the "email" as if a new "rerun" of time from past to present had occurred, possibly including new "emails" and "reruns", and only those who could monitor the use of that "time machine" would directly be aware any changes had occurred. Anyone else could only indirectly infer that such changes had occurred by noticing that people seem to exhibit impossibly accurate knowledge of the future or, more likely, by observing peculiar "good luck."[4]

It may not be immediately obvious, but such technology is *incredibly powerful*, much more so than nuclear bombs.[5] First of all, it is perhaps the ultimate spy technology since it allows accurate predictions of the future[6] and the ability to change the predicted future. In addition, it allows the past to obtain technology from the future before the research and development has been done, compounding technology as fast as it can be built, to the extent there is cooperation from the future. The end result of the superior technology is absolute power since the first organization to obtain time machines would naturally seek to control (or at least monitor) any use of time machines by others. This is true because any country

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recreated in the past/present using advanced technology developed in the future. Petitioner would not be surprised if such technology currently exists for use with time machines built now to communicate with the future.

[4] Petitioner often felt like "Wile E. Coyote" in a twisted distinctly non-comical "Roadrunner" cartoon, where it was a foregone conclusion that he could not prevail (or die) despite any amount of planning yet, like a gladiator, was still compelled to fight.

[5] This must be true since the time machine can be used to obtain technology that allows much more powerful bombs to be built and to obtain technology to render the opponent's bombs harmless.

[6] Of course, any predictions would only be accurate if they are unaffected by the knowledge of the predictions, so it would often be essential that anyone who could effect the predicted outcome would not know the prediction.

or person with significant funds could potentially build their own time machine, obtain information from the future, and make the money back while building weapons to takeover the world, *while using the time machine to avoid being detected*. The objective of controlling the use of time machines (and other weapons of mass destruction) naturally leads to the development of other extremely powerful technologies including artificial intelligence, massive mind-reading technology, and mind-reading and mind control technologies usable on anyone (i.e. "psychic" secret agents).

Even in mostly benevolent hands, these time machines are potentially dangerous due to possibilities of unexpected side-effects,[7] so self-restraint would usually be the best policy. Regardless, petitioner believes time machines can be, and have been, properly used to improve the condition of everyone in the country by avoiding war and improving the economy. Beyond merely avoiding wars, petitioner believes the government has used time machines to at least give future technology to its own computer companies and create the original Internet infrastructure (and browser). The biggest problem with the time machines is that they have been and continue to be kept secret from the public for no good reason, allowing the "insiders" to take unfair advantage of technology that is the property of all citizens of this country and ultimately the world.[8]

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[7] Saving 100 people now might unexpectedly cause 1000 people to die later. Furthermore, even if 100 people are saved but later 90 more people die (net savings of 10 lives), is it appropriate for a secret government agency to decide, without any public input, that those 90 people (e.g. you) should be sacrificed to save 100 other people.

[8] The physicists apparently chose to allow only the United States to initially build time machines in order to keep the technology out of the wrong hands. Therefore, although the United States may have paid for the development of the technology, the technology was obviously intended to benefit the world, not just the United States.

2. "Psychic" Artificial Intelligence (AI): The Ultimate "Peacekeeper"

Using the time machines, petitioner believes that the U.S. Government built the ultimate "peacekeeping" technology: a computer system with artificial intelligence (AI) that can scan the minds of everyone on earth and exert control over those minds to the extent necessary (i.e. absolute power).[9] The mind reading and mind control capabilities are likely accomplished by using microscopic brain implants, undetectable with conventional medical technology, that are created in the brains of every human being using nanotechnology (i.e. microscopic robots). Once released, the nanotechnology would act like a disease spreading imperceptibly throughout the world's population.

At the very least, this technology would allow the U.S. Government to scan the minds of virtually everyone in the world potentially for dangerous thoughts (e.g. planning a weapon of mass destruction), to focus on specific people (e.g. petitioner) for mind reading and sensory monitoring, and to directly or perhaps indirectly provide government agents with "psychic" abilities such as mind reading and mind control (and perhaps much more). Of course, the technology would be used to prevent any other country from creating similar technology. In addition, this technology seems to allow control over electronic devices (e.g. petitioner's computer, weapon systems[10]) and seems to allow what we might call "telekinetic" abilities.[11] In fact, assuming the government has developed nanotechnology that can create sophisticated

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[9] Mind control or manipulation will often not need to be used since time machines and mind reading can be used alone to tune the actions of the United States (i.e. threats & sanctions) to avoid undesirable outcomes. Use of mind control is undesirable since it could be construed as hostile.

[10] Useful to create mysterious defects (Saddam's SCUD missiles?).

[11] Petitioner has witnessed various noises seemingly caused by small movements of unknown origin, as if the area around him was "haunted." However, petitioner has never observed anything obviously indicating telekinesis, such as objects floating around.

brain implants, it is reasonable that it would be trivial for similar technology to create phenomena like telekinesis. The resulting technology would be similar to "The Force" in from the movie "Star Wars"[12] (except under government control), hence petitioner guessed the Air Force invoked state secrets privilege (to conceal its secret "Top Gun").

As described in the next subsection on page 16, petitioner has personal knowledge of the use (the therefore existence) of mind reading and mind control technology. Petitioner believes the "being" acting as his mind control harasser and created unexplained noises is an AI computer system acting on human instructions from the government, although the "being" acts and reacts as if it were a normal human.

3. Is it Orwell's *1984*?

At this point in history, the primary problem with time machines and related technologies is that they have been kept secret from the public much longer than necessary and therefore continue to be outside of democratic control. Because the secret technology is (and was) so prevalent yet invisible, Americans have been left living in a sort of dream world strikingly similar to the world described in Orwell's book *1984*. In Orwell's *1984*, the public was brainwashed by government controlled media[13] to always focus on the evils

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[12] Wars in the "Star Wars" movies were actually fought/won by those controlling "The Force," not by using massive weapon systems.

[13] Of course, the media has been deeply involved in perpetuating the government's huge lies mostly in the form of material nondisclosures. At least some compromising partial truths were told but, of course, they were not generally believed. Rather than uselessly placing blaming the media, the appropriate response is, at a minimum, to intelligently question all media accounts. After all, the media had no choice but to perpetuate the lies because the government had (and for the moment still has) absolute power. For example, say someone decided to attempt to expose something. That person would be identified by the government's mind-reading technology ahead of time. If not, a time machine could be used to notify government agents in the past of a prospective threat of exposure. In any case, depending on the nature of the exposure, the government could either prevent the exposure altogether or simply use a

of some outside enemy and perpetual war[14] so that they would never really perceive or question the systemic oppression[15] by their own government including its continual monitoring and use of the Thought Police.[16] The government actually rewrote history[17] in order to accomplish its goals. There was no real resistance since the government had absolute power. The only rebels were those created by the government itself to fulfill its need to put forth examples of its wrath to deter any real resistance.[18] The only real goal of those in power was to maintain absolute power.[19]

Although petitioner[20] was used like Orwell's Winston Smith[21] to demonstrate the U.S. Government's willingness to

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discrediting campaign and/or punishment afterwards. Therefore, any real exposure is simply impossible unless the government allows it, although most of the public would be unaware of it and not believe it.

[14] The cold war with Communism and the former U.S.S.R. (i.e. War is Peace)

[15] The oppression here includes illegal human experimentation and needless secrecy preventing the release of technology that could greatly benefit society.

[16] Our government's secret mass mind-reading and mind-control technologies managed by artificially intelligent computer systems and human secret agents with access to those technologies.

[17] Our government, and probably others (Japan?), have also "rewritten history" since time machines allow the government to invisibly change events in the past.

[18] Like the Winston Smith character in *1984*, petitioner White was misled and forced by circumstance to become a rebel (according to the government's own plan).

[19] By the year 1984 (but not decades before), the conspiracy operated primarily just to perpetuate itself and maintain absolute power. The first Roswell press release on space aliens was on 7-7-47. In Orwell's *1984*, Winston started his illegal journal writing on 4-4-84.

[20] Petitioner believes other people were also tortured in order to scare other people into silence and has personally witnessed the torture without realizing it at the time. These victims are intentionally not named since they may not understand that they were used or refuse to admit it.

[21] Note that "Winston" was the most popular brand of cigarettes at the time of *1984*'s publication and seems to refer to big tobacco. The very

ruthlessly and irrationally[22] torture its own citizens, the analogy breaks down with the filing of this petition, which represents a sort of capitulation of those in power. Of course, the Party in *1984* resembled inefficient communism totalitarianism rather than our more economically efficient and effective capitalistic representative pseudo-democracy.[23]

4. Implications for the Judiciary and Law Enforcement.

One obvious reason why public knowledge of this technology is so critical is the prospective impact on the judicial system sometime in the future. The following are petitioner's predictions of the eventual impact. Investigation of wrongdoing and fact finding will be much easier and more accurate due to mass mind-reading technology connected to artificially intelligent computers which will eventually eliminate perjury, lack of memory problems, and witness intimidation. The innocent will virtually never be prosecuted and all innocent prisoners, including those *sentenced to death*,[24] will be set free. Furthermore, nearly perfect law enforcement will be obtainable if sufficient resources are provided. Perhaps most importantly, via improvements in fact-finding, the judicial system will be able to provide much greater equality between the various classes in our society created by wealth, connections, race, etc. and such equality will therefore be imposed upon law enforcement. Police will no longer carry guns or use deadly force and their role will

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common name "Smith" was probably chosen to represent the fact that it could happen to anyone.

[22] Apparent irrationality is often not irrational: people tend to avoid offending known madmen. See *Prisoner's Dilemma* by William Poundstone, "Chicken...," pages 195-213 including "The Madman Theory," pg. 212-3 (Game Theory).

[23] How can there really be a democratic government when the people, for decades, are unable to really perceive their government's conduct because almost everything important is shrouded in secrecy?

[24] Perhaps everyone sentenced to death should get a (federal) stay of execution until this is straightened out.

shift towards problem solving and away from investigation. Finally, the punishment for crimes will be revolutionized so there will be less prisons and more focus on rehabilitation. Many of today's non-violent crimes (e.g. drug crimes) will be reclassified as primarily medical or psychological problems and legalized or pseudo-legalized (unenforced).

It should be noted that these changes will take time to go into effect and *this lag time should be minimized.* First, there will have to be enough proof that the technology exists so that the government will begin releasing information derived from the technology (e.g. probably the first challenges will be subpoenas for exculpatory evidence to free the innocent). Then, there will have to be numerous U.S. Supreme Court rulings to revise constitutional law in light of the new technology. Petitioner believes the Court will make at least minimally intrusive mind-reading information available for criminal and civil cases. However, until courts acknowledge the use of this technology as evidence, the technology will be useless in law enforcement because the U.S. Constitution prohibits ex post facto laws.[25] There will also need to be new state and federal legislation to revise the law in light of the new technology, since both criminal and civil law assume difficulty in enforcement (many penalties will be made less harsh or possibly eliminated).

5. Since "There is No Such Thing as a Free Lunch," Are Massive Human Experiments Being Used to Develop the Technology Already in Use?

The most important reason why public knowledge of this technology is important is because without it, there is

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[25] However, secret government agents could surreptitiously use the technology to obtain old-style evidence of wrongdoing. Although this evidence would technically be inadmissible, its unconstitutional source could not be proven since the official investigators would have clean hand (e.g. anonymous or non-governmental source). Beware criminals who offend the "powers that be" or are politically incorrect. That begs the question: Was the presidential impeachment really a mistake?

absolutely no democratic regulation of any abuse of the technology. One very important issue specifically raised in this action is human experimentation, and it seems to be the area ripest for abuse. This is true because *there are obvious systemic reasons why the government would want to exploit as many people as possible for use in unwitting human experiments, especially psychological experiments*. This is true because (1) the time machine depends on the future cooperating with the past, (2) any scientific or technological knowledge must be developed at sometime via experiments ("There is no such thing as a free lunch," even with time machines.), (3) therefore, the past obviously would be expected to trade something for the future's technology, especially the critical psychological (mind-related) technologies, and (4) it is easiest to exploit humans for experimentation in the past since they can not defend themselves due to ignorance and lack of legal protection for various reasons (e.g. can not prove it). Petitioner simply has no way to estimate how prevalent such human experimentation is,[26] but because of the systemic factors outlined above believes it is in the best interest of every citizen in this country to demand that as much information as possible about classified human experimentation is released.

With respect to the points above, some types of knowledge can easily be developed in the future but would be much more difficult to develop in the past. Therefore, the future would often be willing to provide knowledge of these technologies to the past for free (no strings) because the past will automatically develop the technology for use in the future so that both the past and future profit from the exchange of knowledge (e.g. computer technology). Such

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[26] Potentially, the entire population could be used as (read-only) test subjects without knowing it. The government could only possibly justify subjecting a small percentage of the total population to experiments that would cause adverse effects or severe adverse effects, but even a "small percentage" is *millions of people*, potentially resulting in more effective human casualties than the Vietnam War.

symbiotic exchanges between the past and future are of least concern here, but it should be noted that even in these cases, the insiders were probably allowed to take unfair advantage of the situation (e.g. IBM, Intel/AMD, & Microsoft). However, as mentioned in (4) above, any type of technology that requires human experimentation would be more easily developed using subjects from the past because it is easiest to exploit subjects in the past using future technology. In these cases, the exchange would be more parasitic since the future would likely require the past to secretly exploit its innocent population in return for access to technology. Furthermore, the mind-reading and mind-control technologies described above are admittedly extremely important for national security and would require significant human experimentation for its development, so it is reasonable to conclude that the U.S. Government would be willing to agree to almost any terms the future would demand in order to obtain this technology.

Since the mind-reading and mind-control technology would require massive psychological testing, it would be most convenient if the test subjects appeared to be mentally ill because they would provide their reactions to the mind-control stimulus. *Therefore, petitioner strongly suspects that "mental illnesses" such as obsessive compulsive disorder, phobias, bipolar disorder, schizophrenia, etc., are often, or perhaps always, really only adverse effects of massive psychological experiments by the government controlled by the government's AI computer system.* For example, obsessive compulsive disorder is a perfect cover for mind control experimentation designed to compel certain behavior (i.e. obsessive-compulsives are irrationally compelled to engage in ritualistic acts). Phobias are also a useful cover for mind control experimentation designed to prohibit certain behavior since the victim is controlled by irrational fear. Manic-depressive or bipolar disorder would be useful cover for experiments used to study the effects of stimuli on human productivity, since two types of stimuli can be used on the

same person. Schizophrenia would be cover for the most horrible experimentation involving hallucinations and almost complete loss of the ability to function.

6. Evidence: Readily Available to Anyone

Given that everything petitioner has described is classified, one would wonder what evidence petitioner could possibly possess to prove these allegations beyond personal testimony related to his legal claims (next section page 16). Perhaps surprisingly, there is some pretty convincing independent evidence, freely available, that time machines and mind reading technology do exist. The only real difficulty has been in knowing where to look.

The most convincing single source of information is the book *Surely You're Joking, Mr. Feynman!* by Richard P. Feynman, a Nobel Prize winning physicist who worked on the Manhattan Project (A-Bomb) and was apparently involved in the development or use of the first time machines. Of course, the book never directly mentions these secrets, but the careful reader can read between the lines. However, with these comments, Feynman's message should be clear to anyone. A longer and more accurate analysis is presented in the appendix (App. 142a-150a), but some condensed highlights are included here. The most obvious clues are on page 132. First, Feynman says that Von Neumann taught him "that you don't have to be responsible for the world that you're in." Immediately thereafter, he speaks of physicist Niels Bohr a.k.a. "Nicholas Baker" and his son named "Aage Bohr" and mentions they wanted to ("*see* the great Bohr"). Feynman's point is that he does not worry about the world because the government has time machines. The reference to "Aage Bohr" is obvious and "Nicholas Baker" could be interpreted mean a Santa Claus maker (a time machine provides "gifts" like Santa Claus).

In addition, on page 17, Feynman mentions "WACO in Waco, Texas" and then talks about how he managed to receive radio broadcasts an hour early as a child (the book was published in *1985*). In "Monster Minds" starting on

page 77, he tells a story about giving his first technical talk on an ingenious theory that standard electron interaction involves waves propagating backwards in time and how Einstein frankly stated that the (time machine related) theory could be correct (i.e. a "frank Einstein" secretly lurks in the chapter on "Monster Minds"). Finally, on page 150, Feynman talks about the grave concern about someone trying to get into "Building Omega." Of course, "Omega" mostly likely refers to the biblical reference in Revelation 1:8 regarding God's existence in the past, present, and future (See App. 151a).

The book, *Prisoner's Dilemma* by William Poundstone (i.e. Prisoner [petitioner] will pound stone), Copyright 1992, about "John von Neumann, Game Theory, and the Puzzle of the Bomb," is also interesting. The cover has a 7x7 matrix (Revelation 7:7) with 50 boxes (50 states in U.S.), the 50th is next to 26 (2x13, 13 States, Revelation 13), a "666" (the beast), a "94" (faked suicide), and four squares (U.S. is 4th beast). The apparent dedication is "TO MIKOLAS CREWS" seems to refer to the AI peacekeeper. It sounds like "Tom Cruise" (the "Top Gun") on the outside, and sounds like "My Allah Screws" (my god screws) on the inside right. On page 26, it refers to the quote on page 132 of *"Surely Your Joking, Mr. Feynman!"*

Another piece of evidence is "The Raven" by Edgar Allan Poe, Copyright 1845 (App. 162a-168a). This poem seems to provide evidence of eventual full-blown time travel and mass mind-reading designed to protect the human race from self-annihilation by nuclear weapons. Of course, "Raven" is a large black crow, but, means black when used as adjective (as in classified). There are references to "Plutonian" which seems to refer to "plutonium," an element used to build nuclear weapons (App. 164a, 167a). "Lenore," meaning "the NOR,"[27] probably represents the computer

[27] NOR gates are basic building blocks of computers from which any binary function can be computed (i.e. any computation).

(App. 162a). The "unseen censer" probably represents the nanotechnology (App. 166a). The eleventh stanza explains the Raven's reiteration of "nevermore" (App. 165a):

> 'Doubtless,' said I, 'what it utters is its only stock and store caught from some unhappy master whom unmerciful Disaster followed fast and followed faster till his songs one burden bore...of 'Never – nevermore.'

The final stanza seems to say that "The Raven" is here to stay (App. 167a). The other poem, "To Helen" also seems to refer to time travel (App. 168a).

Finally, there are references in musical works by Alan Parsons' groups.[28] The most obvious are in the "Eye in the Sky" album from 1982. The first instrumental is named "Sirius" followed by the song, "Eye in the Sky" with the chorus stating, "I am the eye in the sky, looking at you. I can read your mind. I am the maker of rules, dealing with fools. I can cheat you blind." The rest of the song is also on point. Other songs are also interesting including, "Silence and I." Furthermore, the first album from 1976 includes a song based on "The Raven" and the recent album from 1999 is "The Time Machine." Of course, there are apparent references by other musicians and groups such as Sting and R.E.M.

TV show "The X-Files," owned by 20th Century Fox Television, revolves around these state secrets without ever providing enough information for the uninformed to understand. The main character is "Fox William Mulder," a FBI Agent with a degree in psychology, who primarily works to unravel the government's conspiracy regarding space aliens (i.e. Roswell). Another name for the character is obviously, "20th Century Fox Will Mulder." Of course, this is an apt name for the peacekeeping artificial intelligence

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[28] Note that "Parsons" is similar to the word "PARSIN" in Daniel 5 (App. 156a) which was the critical word in "the writing on the wall." Furthermore, petitioner's middle name is "Allen." In the first chapter of Orwell's *1984*, Winston was interrupted by a Mrs. Parsons character while committing his first fatal thoughtcrime on 4-4-84.

system, because it was created in the 20th Century, is fox-like (i.e. crafty and "crazy like a fox"), is a federal agent specializing in psychology (i.e. mind-reading), and is a will molder (i.e. has mind control capabilities). The "X-Files" was created by "Chris Carter" (i.e. Christ carter or a prophet). Finally, the actor playing "Fox Mulder," named *David* Duchovny, has recently filed a lawsuit against "20th Century Fox," alleging a conspiracy against him. The "X-Files" and other media references such as "The Truman Show"[29] were included in the operative complaint (App. 67a), but there are many more than were mentioned there: too many to mention.

There also seem to be biblical references to issues presented here, but these are practically useless as evidence of the activities of the Government. Nonetheless, these references are extremely interesting and even prophetic, so they have been included in an appendix (App. 151a-161a).

C. Statement of Facts Regarding Petitioner

First of all, it should be noted that while petitioner was attempting to write this petition, he has been subjected to handicapping via the brain implants, greatly reducing his productivity and not allowing him to really "finish" it. This seemed to be done to prevent him from filing the petition early, which he would naturally want to do because of the handicapping/harassment. At the same time, petitioner was being fed useful clues recently and years in the past. That is, the AI and others were acting sort of like double agents. Even with clues, petitioner still had to be smart enough to independently understand the truth amid seemingly endless layers of lies and verify it so he would believe it.

1. Brain Implant Experiments Starting at Birth

Petitioner was born about a month premature on May 6, 1971 at Highland Park Hospital near Chicago, Illinois. Probably, the premature birth was designed to obtain the

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[29] The conspiracy began around 1947 during Truman's presidency.

desired birthday.[30] Recently obtained baby pictures (App. 169a) show a groove on the top of petitioner's head that seems to indicate that petitioner, although healthy, underwent some type of neurosurgery shortly after birth. Petitioner's mother has stated that petitioner seemed to cry much more often and need more attention than any the other three children in the first few months of life. This was probably due to suffering from premature birth and the neurosurgery. Furthermore, petitioner believes at least one additional round of neurosurgery was performed sometime when petitioner was young, since there are artifacts on petitioner's skull that would have disappeared if the only operation had occurred at birth. Petitioner has no memory of any neurosurgery.

However, petitioner often suspected that he had some kind of brain damage because some parts of his brain seem to work much better than others, even before he was aware he had any neurosurgery done. Nonetheless, petitioner was able to graduate summa cum laude in computer engineering and placed in math competitions without studying (nonverbal intelligence in low genius level). Petitioner now believes his brain was somehow slowed down and his memory was somehow decreased, causing petitioner to have to work hard to assimilate general information (e.g. memorize) although he would obtain a better understanding of concepts. Petitioner's mother also hinted that petitioner was actually smarter than he appeared to be.

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[30] Petitioner suspects he is not the biological child of his father, but that, unbeknownst to his mother, another father was used (via artificial insemination) to make petitioner more intelligent. Petitioner believes one of his brothers, with many obvious similar traits, also has the same father, but his other brother and sister were normal (i.e. a full-brother, a half-brother and a half-sister). This would be easy to prove with DNA paternity testing, but such tests have not been done. The "being" harassing petitioner has indicated this suspicion is true, but it has little credibility since it lies about everything.

2. Petitioner Believes He Was an Unwitting Participant in CIA's Mind Control Disinformation Campaign

The horrible irony about the experimentation is that petitioner does not believe any of it was really necessary for any real (classified) scientific research (although it may have been useful to perpetuate lies). As stated above, petitioner believes the government must have (and must have had) nanotechnology that can create brain implants without surgery, so the neurosurgery on humans would probably never be required for the *real* research. Hence, petitioner believes he was part of a large CIA disinformation campaign regarding mind control and believes his father was CIA operative. The primary goal was probably to convince U.S. citizens and foreign intelligence that neurosurgery was required to install brain implants and to allow mind control, so no one would realize that *everyone already had brain implants*. A secondary goal was probably to steer scientific research in the wrong direction. The disinformation campaign, seemingly headed by the CIA, seemed to revolve around so-called "mind-control." MKULTRA and other related projects were part of this campaign. Another part of the campaign was the 1969 publication of *Physical Control of the Mind: Towards a Psychocivilized Society* by José M.R. Delgado, M.D.

In fact, a large part of CIA's task has been to perpetuate layers of disinformation to foreign intelligence and the American people to "protect intelligence sources and methods," 50 U.S.C § 403-3(c)(6). For example, petitioner believes the CIA could obtain any information it would ever need without any human spies since before petitioner has been born in 1971 using mass mindreading. However, human intelligence spying was still necessary in order to cover-up the fact that the CIA had even better intelligence gathering methods. Petitioner's father appears to have been one of the (redundant) CIA operatives since he was an ex-Army captain in working international business and often

traveled. After all, his son was a real test subject in an apparent CIA cover/fake experiment on brain implants/mind-control. Petitioner's mother probably knew about the experiment, but not that it was a cover/fake experiment or that there would be a cover-up lasting almost 30 years.

3. Symptoms Caused by Brain Implants

The "being" operating petitioner's brain implants (probably an AI) has demonstrated the following capabilities: obtaining complete motor control of the neck coordinated with the rest of the body (used for ouija-board-like responses to thoughts, head jolting like punches, and sometimes even dancing movements); mind reading including recognizing linguistic and visual thoughts; eyesight monitoring; simulated perception of a detailed visual pattern (eyes closed); creating detailed dreams, simulated sickness, simulated coughing, simulated chronic and sharp pains anywhere on the body, digestive problems such as diarrhea, simulated or intensified emotions (e.g. anxiety, rage), dizziness, insomnia and lethargy, muscle twitches, heart palpation, and balance problems; projecting thoughts; creating urges to do something; and temporarily blocking memories (i.e. phone numbers). Petitioner believes that every human on earth is susceptible to the same technology, but would typically be unaware when it was used. In petitioner's case, he was unaware of any outside influence until it became completely obvious, but then realized it had been happening throughout his life (i.e. petitioner once mysteriously fell/jumped off the back of his bike and was knocked out by the concussion).

The worst torture occurred when the brain implants were used to intensify real emotions before petitioner was aware of what was happening. Now that petitioner knows he is being manipulated, he can much better mentally defend himself and avoid the harshest psychological pain.

D. Statement of Facts Alleged Below

The operative complaint contains the following six causes of action, virtually all framed as civil conspiracies: (1) fraud (admissions fraud and faked suicide), (2) intentional

infliction of emotional distress (fraud and harassment), (3) violations of White's constitutional rights under 42 U.S.C. § 1983 (retaliation to deter lawsuits), (4) public disclosure of private facts (caused by surveillance and large conspiracy), (5) Title IX sex discrimination under 20 U.S.C. § 1681, and (6) injunctive relief under Calif. Code of Civil Procedure § 527.6 (ongoing harassment and surveillance). Due to space constraints, only summaries of a few critical claims are included (66-page complaint): the Admission Fraud because it started the wrongdoing at UCSD, the faked suicide since it seemed to greatly escalate the situation, and the imprisonment in a psychiatric hospital because it must state a federal Section 1983 claim since it directly alleges personal knowledge of overt acts by state officers depriving White of his constitutional right to liberty.

1. Admission Fraud

Plaintiff David A. White ("White") was a very promising undergraduate student at University of Michigan in Computer Engineering from September 1989 to May 1993 (GPA: 3.87 overall, almost 4.0 GPA in major). White became acquainted with defendant Ramesh Jain ("Jain") when he contacted Jain in order to become involved in research as an undergraduate in late 1991 and thereafter began working with a Research Scientist who was a previous student of Jain. Jain was in the process of moving from University of Michigan to University of California, San Diego (UCSD) at the time White was applying for graduate school. Upon information and belief, Jain then created and executed a plan to sabotage White's admission to graduate schools, probably by writing adverse letters of recommendation, so that White would unknowingly attend UCSD and work with him.

In order to accomplish this plan, White alleged Jain primarily told White that he believed White would be admitted to all the top graduate schools in his field, but simultaneously strongly recommended that White apply to UCSD as a backup. In addition, Jain gave White a job at his local startup company, gave him an A+ in his class, and

mentioned that a student had been caught faking a letter of recommendation written by Jain in order to obtain a job. White also alleged that he would not have applied to UCSD except for Jain's recommendation. White then was not admitted to any graduate schools except UCSD, to his surprise since White expected to at least be admitted to UC Berkeley. Unaware of the sabotage, White then decided to attend UCSD and later decided to work as Jain's student.

2. Faked Suicide/Death

White alleged that in an effort to reduce the risk that White would be told of the admissions fraud, defendant Ramesh Jain and others at UCSD planned to fake the death via suicide of a graduate student (Jeffrey S. Casey). Specifically, plaintiff plead that defendants falsely represented that Casey committed suicide via a phone call announcing his suicide, a department meeting, a ceremony commemorating him, a memorial bench, and a newspaper article. Defendant Jain was alleged to be involved by helping to plan the faked death in an effort to cover-up the admissions fraud. Defendant Williamson was alleged to be involved by making comments in the department meeting and by being chair of the CSE department. Robert L. Jones was alleged to have pretended to investigate the death and provide false information for the coroner's report. Further, although White does not allege what really happened to Casey, White alleged he knows the suicide was faked because the autopsy records had pictures of the wrong body, the weight was about 50 pounds heavy, and circumstances indicated Casey's family and the medical examiner must have known. Further, there were other coincidental circumstances such as the "suicide" occurring on White's birthday and the day of claimed birthday and birthday party of another person with an apparently faked background/ID.

3. Retaliation Including False Imprisonment in Mental Health Facility

In the complaint, White included many allegations of serious retaliatory conduct designed to deter White from

exposing the conspiracy via lawsuits. However, most retaliatory harassment (e.g. overt surveillance for years) was done by unknown Does hired by the university, rather than university employees themselves, so allegation of this retaliatory conduct might be misinterpreted as so-called conclusory allegations of conspiracy. However, this can not be true of White's imprisonment for six days at a mental health facility for supposed mental illness since university police officers personally participated. Specifically, White alleged that on March 5, 1997, defendant Martinez, a University police officer, put White in handcuffs, locked White in a police car, and transported White for involuntary detainment at a mental health facility without any cause whatsoever, apparently in furtherance of the conspiracy. Defendant Morris, another University police officer, was also involved in the unlawful detainment in a supervisory role. White specifically alleged this happened after he drove home from getting a haircut, yet the reason for White's involuntary commitment was later determined to be that White was supposedly "gravely disabled."

White alleged Vista Hill Foundation, the owner of the mental health facility, was involved in the conspiracy to unlawfully detain White because employees knew White was not "gravely disabled" and willfully and knowingly kept White in the locked facility and discouraged White from requesting a Writ of Habeas Corpus and instead recommended an internal hearing. White finally was released after he requested judicial review. A psychiatrist, Otis, was involved in the conspiracy by misrepresenting that White was suffering from a schizophrenic disorder before and after White's imprisonment, and abusing his authority by imprisoning White at the hospital and prescribing and instructing White to take medication that debilitated White.

V. Argument

As should be clear given the statement of the case, this case involves very important questions of federal law that have not been, but should be, settled by the U.S. Supreme

Court. In the apparent interests of national security, the executive branch has submitted, and continues to submit, petitioner (and perhaps millions of other citizens) to secret unwitting experimentation that causes great harm to those involved. Using a very broad and absolute[31] claim of state secrets privilege, the executive branch can continue, with complete and utter impunity, to inflict gross harm indefinitely on petitioner and any others similarly situated and can avoid any and all claims for damages. The U.S. Supreme Court, in fulfilling its Article III constitutional duty, must not allow this to continue.

A. State Secrets Privilege

In *United States v. Nixon*, 418 U.S. 683, 94 S. Ct. 3090, 41 L. Ed. 2d 1039 (1974), the Supreme Court reiterated the longstanding judicial position that the applicability of any privilege is undeniably a question for the courts to decide:

> Since this Court has consistently exercised the power to construe and delineate claims [of the Legislative or Executive Branches] arising under express powers, it must follow that the Court has authority to interpret claims with respect to powers alleged to derive from enumerated powers.

418 U.S. at 704, 94 S. Ct. at 3105. Furthermore, that Court, *id* at 703, stated that in many decisions it has unequivocally reaffirmed its *Marbury v. Madison*, 1 Cranch 137, 177 (1803), holding that "[i]t is emphatically the province and duty of the judicial department to say what the law is." Hence, failure to grant certiorari in this case, shirking the duty to *say what the law is*, would be a clear breach of duty of the Supreme Court to the Citizens of the United States.

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[31] The privilege is absolute in the Ninth Circuit, at least, where petitioner has resided since 1993. *Kasza v. Browner*, 133 F.3d 1159, 1166 (9th Cir. 1998).

The Supreme Court in *United States v. Reynolds*, 345 U.S. 1 (1953) outlined the general process used to handle the state secrets privilege:

> The privilege belongs to the Government and must be asserted by it; it can neither be claimed nor waived by a private party. It is not to be lightly invoked. There must be a formal claim of privilege, lodged by the head of the department which has control over the matter, after actual personal consideration by the officer. The court itself must determine whether the circumstances are appropriate for the claim of privilege, and yet do so without forcing a disclosure of the very thing the privilege is designed to protect.

Id. at 7-8 (footnotes omitted). The Supreme Court also stated,

> Where there is a strong showing of necessity, the claim of privilege should not be lightly accepted, but even the most compelling necessity cannot overcome the claim of privilege if the court is ultimately satisfied that military secrets are at stake.

Id. at 11. The Ninth Circuit has interpreted this statement to mean that, "Once the privilege is properly invoked and the court is satisfied as to the danger of divulging state secrets, *the privilege is absolute*." (emphasis added) *Kasza v. Browner*, 133 F.3d 1159, 1166 (9th Cir. 1998). Furthermore, this absolute privilege can bar release of even *unclassified* information, "If seemingly innocuous information is part of classified 'mosaic,' state secrets privilege may be invoked to bar disclosure of such information." *Id.* at 1166. The Court later stated, "As the very subject matter of Frost's action is a state secret, we need not reach her other arguments." *Id.* at 1170. Most likely, this was line of reasoning used in affirming the dismissal of petitioner's action.

However, at least the holding that the state secrets privilege is *absolute* must be erroneous. There is always a

possible constitutional exception to any claim of state secrets privilege where harm caused by the maintenance of the state secrets outweighs the potential danger to national security. It is effectively the "cure is worse than the disease" exception to the state secrets privilege, implicit in the constitution, which allow judicial branch to keep the executive branch from its natural tendency to overstep its constitutional authority. The D.C. Circuit noted that,

> ...although the attempt to claim Executive prerogatives or infringe liberty in the name of security and order may be motivated by the highest of ideals, the judiciary must remain vigilantly prepared to fulfill its own responsibility to channel Executive action within constitutional bounds.

Zweibon v. Mitchell, 516 F.2d 594 (D.C. Cir. 1975) (en banc) (plurality opinion), cert. denied, 425 U.S. 944, 96 S. Ct. 1684, 48 L. Ed. 2d 187 (1976).

B. The Ninth Circuit Clearly Erred in Affirming the District Court's Decision on Grounds Given.

As shown in the argument presented hereafter, the Ninth Circuit's decision was clearly erroneous on the grounds and even misstated names and facts. Of course, as stated above, the case was actually decided on the secret unstated ground that the action was barred by the state secrets privilege. Even after simply reading the background statement in District Court's initial order dismissing the action (App. 25a),[32] it is clear that the action was erroneously dismissed. However, the entire operative first amended complaint is included in the appendix (App. 64a-141a).

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[32] Although the District Court's background applied to the original complaint rather than the first amended complaint, the only possibly material difference was that the cover-up involved a faked death rather than a murder.

1. Fraud Claims Were Plead with Adequate Particularity

The panel incorrectly found that White did not plead fraud with sufficient particularity "[b]ecause White failed to allege with particularity 'the time, place and specific content of the false representations,'" citing *Miscellaneous Serv. Workers, Drivers, & Helpers, Teamsters Local #227 v. Philco-Ford, Corp.*, 661 F.2d 776, 782 (9th Cir. 1981). Actually, that authority states that the particularity requirements for pleading fraud in FRCP Rule 9(b) have been interpreted to mean that the time, place, and specific content of the false representations can be required, but not that these elements of a fraud claim need themselves be pleaded with particularity. Even if White's 66-page first amended complaint was lacking in particularity, for instance, as being partially based on information and belief, the pleading was adequate given that White was not given any meaningful access to discovery, White was unable to obtain the facts without discovery, and the facts alleged on information and belief are peculiarly within defendant's knowledge or control. *Weiner v. Quaker Oats Co.*, 129 F.2d 310, 319-320 (3d Cir. 1997). *Corley v. Rosewood Care Ctr., Inc.*, 142 F.3d 1041, 1051 (7th Cir. 1998). In addition, as argued below, White's other related non-fraud claims were not defective, so some discovery should have been allowed before the fraud claims could reasonably be dismissed with prejudice. Therefore, under the circumstances of this case, White allegations were adequate, at least to justify some discovery, as providing the circumstances constituting fraud so that the defendants could prepare an adequate answer from the allegations. *Gottreich v. San Francisco Investment Corporation*, 552 F.2d 866 (9th Cir. 1977). For example, for the claim for a faked suicide/death staged pursuant to cover-up, White alleged who supposedly died, when, where and how the death supposedly occurred and generally who made false representations about it, when, where, why representations are false, and a motive for making the false

representations (to cover-up admissions fraud). Plaintiff also generally alleged the time, place and specific content of representations made by Jain pursuant to his admissions fraud scheme.

2. Promissory Fraud Claim Against Jain Properly Stated

White stated a claim against defendant Ramesh Jain ("Jain") for promissory fraud to induce entry into an employment/educational contract since White alleged he was fraudulently induced to apply to and attend a less prestigious graduate school and work with Jain based on Jain's statements and actions implying a promise to support White in his attempts to obtain admission to other better graduate schools when Jain actually intended to, and did, sabotage White's attempts to obtain admission at other better schools without White's knowledge. See *Lazar v. Superior Court*, 909 P.2d 981, 984-5 [12 Cal.4th 631] (Cal. 1996).

3. Conspiracy to Defraud Claim For Faked Suicide Properly Stated

White stated claims against defendants Jain, Williamson, and Jones for conspiracy to defraud (or aiding and abetting fraud) when he alleged those defendants conspired to fake the suicide/death of a student in furtherance of a conspiracy to conceal the admissions fraud and other wrongdoing, since the alleged purpose of the faked suicide was to prevent everyone from telling White of the fraud.

4. Decision Erred in Name of Student Whose Suicide Was Faked and Should Have Stated Suicide Was Faked Death (Or Possibly a Murder)

The decision erroneously stated that "defendants misrepresented the suicide of James Casey" (emphasis added) when the correct name alleged on the record was always either "Jeff Casey" or "Jeffrey Casey." Furthermore, the decision was not completely accurate in stating that White alleged a "conspiracy ... to conceal a murder." The appellant's brief did focus on murder rather than a faked

death. However, in the operative (first amended) complaint, White actually alleged Casey's faked suicide was probably a faked death but might have been a murder, and as stated hereafter, White now believes the "suicide" was, in fact, a faked death.

5. Intentional Infliction of Emotional Distress Claim Properly Stated

White certainly stated an intentional infliction of emotional distress claim since the alleged outrageous fraud (admissions fraud and faked death) that qualifies as outrageous conduct. *Molko v. Holy Spirit Foundation*, 46 Cal.3d 1092, 762 P.2d 46 (1988). Also, the alleged conspiracy to surveil and harass related to employment also constitutes outrageous conduct for an emotional distress claim. *Rentura v. County of Orange*, 82 Cal.App.3d 833 (1978).

6. Cited *Woodrum v. Woodward* is Inapposite to White's Section 1983 Claims

The panel found that White's claims under 42 U.S.C. § 1983 were properly dismissed citing *Woodrum v. Woodward County*, 866 F.2d 1121, 1126 (9th Cir. 1989). That authority is certainly distinguishable from this case, since County employees in *Woodrum* were charged with a "conspiracy" to do their normal job so the court found the allegations to be conclusory. The employees merely denied access to a child to protect the child from potential molestation based on false allegations of a private party. Similarly, courts reject claims against attorneys for "conspiring" with their clients based on allegations of mere negligent legal advice or legal defense. In the instant case, the situation is completely different since the allegations do not relate to legitimate activities of the state university employees.

7. Section 1983 Claims for Imprisonment in Mental Hospital Was Not Even Mentioned in Decision and Clearly States a Claim

White stated a 42 U.S.C. § 1983 claim, at least, when he alleged that state University police officers transported him

for involuntary detainment at a private psychiatric facility without cause in furtherance of a conspiracy to deter him from pursuing lawsuits exposing fraud. See *Gibson v. United States*, 781 F.2d 1334, 1340-1341 (9th Cir. 1986) and *Hoffman v. Halden*, 268 F.2d 280 (9th Cir. 1959). Also see "Requirement for a Hearing" section of *Doe v. Gallinot*, 657 F.2d 1017 (9th Cir. 1982). The alleged conspiracy was perpetrated by defendants including state University officials and faculty and included claims against the psychiatrist and the psychiatric facility. In fact, the decision failed to even mention this specific part of the 1983 claim although it was only real claim argued in the appellees brief filed by psychiatrist Otis and facility Vista Hill Foundation.

8. Section 1983 Claims For Other Retaliatory Conduct Properly Stated

The decision erroneously found alleged retaliatory conduct perpetrated by university defendants was insufficient ("harsh words insufficient") relying on *Nunez v. City of Los Angeles*, 147 F.3d 867, 874-5 (9th Cir. 1998), although White alleged serious surveillance and harassment caused by those defendants but carried out by unknown Doe defendants. This is cognizable under Section 1983 as retaliation by named defendants since, "a requisite causal connection can be established by setting in motion a series of acts by others which the actor knows or reasonably should know would cause others to inflict constitutional injury." *Johnson v. Duffy*, 588 F.2d 740, 743-4 (9th Cir. 1978). Further, since "the causation issue in first amendment cases is purely factual," it must be impermissible to dispose of such allegations of a retaliatory constructive discharge at the pleadings stage. *Gilbrook v. City of Westminster*, 177 F.3d 839, 854 (9th Cir. 1999).

9. The Title IX Claim Should Have Been Dismissed Without Prejudice

The Title IX claim under 20 U.S.C. § 1681, even if properly dismissed, should have only been dismissed *without prejudice* since White now believes that he may be able to

amend to state a timely claim based on fraudulent concealment as described hereafter. Although not raised in the brief, White now believes he may well be able to amend the complaint to properly allege a non-retaliation-based Title IX claim. In March 1997, White did not realize that the University itself was encouraging conduct towards White that would embarrass him regarding sex in order to prevent him from investigating the conspiracy because the true nature of the conspiracy was fraudulently concealed from White. Therefore, these sex discrimination claims, although more than a year old, are arguably not time-barred since White reasonably did not believe he could have any claim until knowing the University was responsible. Furthermore, White now realizes he could amend the complaint to also allege disability discrimination claims against the Regents.

10. Public Disclosure of Private Facts Claim Provides Adequate Notice

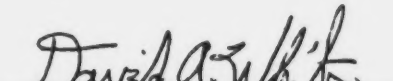
With respect to the public disclosure of private facts claim, the claim was adequate to provide the defendants with notice. To the extent the claim lacked details, it should only have been dismissed without prejudice.

VI. Conclusion

The petition for a writ of certiorari should be granted.

Respectfully submitted.

Dated: March 8, 2000



David A. White
Petitioner, Pro Se